THE HONOURABLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.28012 of 1997

DATED: 21.02.2007

Between:

Ravulapalli Nagabhushanam .. Petitioner

And

The Commissioner,
Survey Settlements & Land Records,
A.P. Hyderabad and others .. Respondents

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ORDER:

The father of the petitioner is said to have purchased 35 acres of land in Narasapuram village of Dummugudam Mandal, Khammam District, way back in the year 1956, in a Court auction, and the sale deed was said to have been executed on 18.01.1961. He submitted an application for grant of ryotwari patta under the provisions of the A.P. (Scheduled Areas Ryotwari Settlement) Regulation, 1970 (for short "the Regulation"). It is stated that ryotwari patta was granted in respect of 31 acres of land. As regards left over four acres, the third parties are said to be in possession of Ac.1.60 cents.

The petitioner submitted an application, dated 07.08.1989, before the third respondent, the Settlement Officer, with a prayer to grant ryotwari patta as regards Acs.2.40 cents. The third respondent refused to accept the request of the petitioner through his endorsement, dated 30.01.1990. It was stated that the ryotwari patta cannot be issued to the petitioner, since the settlement rights have come into force with effect from 01.07.1988 and as the land was recorded as Banjara under the revenue records.

The petitioner preferred an appeal before the second respondent against the endorsement, dated 30.01.1990. The second

respondent dismissed the appeal as time barred, by his order, dated 27.03.1993. The further appeal preferred by the petitioner before the first respondent, was also rejected on 01.08.1997. Hence, this Writ Petition.

Sri K.Manikyala Rao, learned counsel for the petitioner, submits that the endorsement made by the third respondent cannot be said to be an order referable to Section 9 of the Regulation. He contends that a vague and equivocal observation was made, while refusing to entertain the application. It is also his case that the appeal preferred by his claimant was rejected by the second respondent wholly on untenable grounds. According to him, though the impugned endorsement was dated 30.01.1990, the period of limitation was computed from the year 1980 when ryotwari patta was granted as regards 31 acres of land. He also submits that the first respondent did not appreciate the facts from the correct point of view.

Learned Government Pleader for Revenue, on the other hand, submits that, on a comprehensive application made by the father of the petitioner, ryotwari patta was granted as regards 31 acres of land, and the relief ought to have been claimed, as regards left over land, immediately thereafter. He contends that the application made by the petitioner in the year 1989 was totally untenable.

The Regulation provides for grant of ryotwari patta. The circumstances under which a patta can be granted are mentioned in Section 7 of the Regulation. The father of the petitioner was granted patta in respect of 31 acres of land. It is not known as to whether the application for the left over land was also made in the year 1980.

Be that as it may, when the application of the petitioner was not rejected on the ground that, it was submitted at a belated stage, there was no justification for the second respondent in rejecting the appeal by computing the period of limitation, from the date of the order passed in the year 1980. If the appeal was preferred within the period of limitation, from the date of rejection of the application, dated 07.08.1989, from the endorsement, dated 30.01.1990, or the delay, if any, was properly explained, the second respondent ought to have examined the matter on merits, particularly, by verifying whether the grounds mentioned by the third respondent are tenable, and the first respondent also did not take this aspect into account.

For the foregoing reasons, the Writ Petition is allowed, and the orders passed by the second respondent, dated 27.03.1993, and the one dated 01.08.1997 passed by the first respondent, are set-aside. The matter is remanded to the second respondent for fresh disposal and consideration. There shall be no order as to costs.

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(L.NARASIMHA REDDY,J)

21.02.2007
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